

IN THE HIGH COURT OF ORISSA AT CUTTACK
MA No.706 of 1996

Keshab Chandra Badu Mohapatra
(since dead) represented by Biranci
Narayan Batu and Others

.... ***Appellants***

Mr. D. Nanda, Advocate

-versus-

Managing Trustee of Sri Katyayani
Trust, Brundaban and Others

.... ***Respondents***

Mr. S.P. Mishra, Sr. Advocate with Mr. A. Narayan,
counsel for Respondents 1&2

Ms. S. Das, counsel for Respondents 4, 5, 7 & 8

CORAM:
SHRI JUSTICE B. P. ROUTRAY

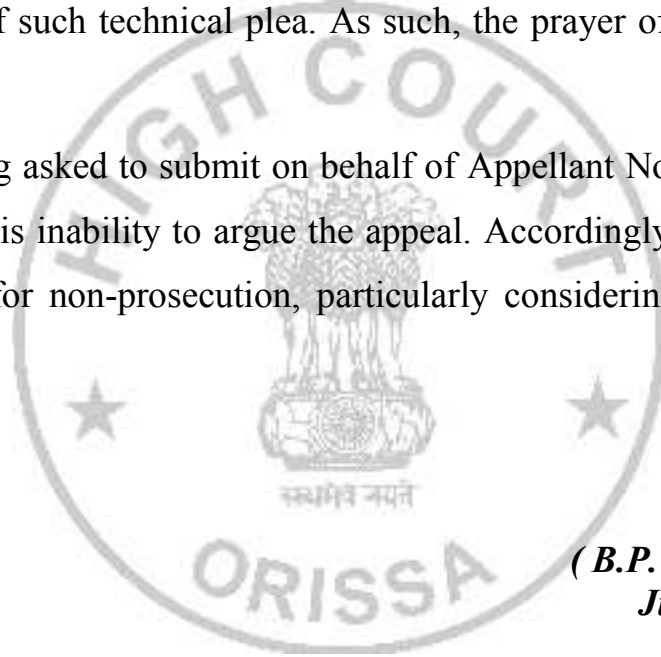
ORDER
9.12.2022

Order No.

- 31.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. D. Nanda, learned counsel for the Appellant, Mr. S.P. Mishra, learned Senior Counsel along with Mr. Arjun Narayan, learned counsel for Respondents 1 and 2 and Ms. S. Das, learned counsel for Respondents 4, 5, 7 and 8.
 3. Mr. Nanda, learned counsel for the Appellants instead of arguing the matter which was heard in-part on the last occasion, presses I.A. No.3 of 2022 wherein a prayer is made to permit the deity, i.e. Sri Katyayani Thakurani Bije, Bhubaneswar to be represented through Managing Trustee as well as one Suresh Kumar Routray, as the representative of Hindu Public.

4. It needs to be mentioned here that Mr. Nanda argued the matter extensively on last occasion without pressing for I.A. No.3 of 2022 and today he is pressing this I.A on these technicalities. It is important to record here that, the appeal was initially filed by five Appellants and by order dated 4th March 2016, this court has clearly permitted the representative of Hindu Public to pursue the appeal. So the prayer in I.A. No.3 of 2022, which is pressed today, lost its significance and Mr. Nanda, who was earlier permitted to argue the matter on behalf of the surviving Appellant, is not prepared to argue this case further in the guise of such technical plea. As such, the prayer of Mr. Nanda is rejected.

5. Being asked to submit on behalf of Appellant No.5, Mr. Nanda expresses his inability to argue the appeal. Accordingly, the appeal is dismissed for non-prosecution, particularly considering its' year-old pendency.



(B.P. Routray)
Judge